

REMARKS

Claims 1-6, 12-14, 22, 23 and 26-33 are pending in this application. By this Amendment, claims 1, 3, 28 and 30 are amended. Support for the amendments can be found at at least page 12, paragraph 2 and Fig. 5 of the specification. Thus, no new matter is added.

I. January 7, 2010 Personal Interview

Applicants appreciate the courtesies shown to Applicants' representatives by Examiners Patterson and Dye in the January 7, 2010 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

II. Request to Expedite Prosecution

Since this application has been pending for more than five years and has received more than three Office Actions, Applicants request that this application be considered "special" and that the Supervisory Patent Examiner review this application in accordance with MPEP §707.02. MPEP §707.02 is not discretionary, as it states:

Any application that has been pending more than five years should be carefully studied by the Supervisory Patent Examiner and every effort should be made to terminate its prosecution. In order to accomplish this result, the application should be considered 'special' by the Examiner.

III. 35 U.S.C. §102(b) Rejection

The Office Action rejects claims 1, 22, 26, 28 and 30 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,228,186 to Brettell et al. ("Brettell"). This rejection is respectfully traversed.

As agreed to during the January 7, 2010 personal interview, Brettell fails to disclose "a sheet-shaped insert having an upper edge and a lower edge that define the length of the sheet-shaped insert, and the upper edge is below the mouth end portion of the cylindrical molded body," as recited in independent claim 1 and similarly recited in independent claims

3, 28 and 30. The Office Action alleges that Brettell discloses the claimed sheet-shaped insert because Brettell discloses in Fig. 1 and at col. 4, lines 13-16, a cylindrical shell or carcass 1 of an electro-fusion pipe. The Office Action also alleges that Brettell discloses an upper edge and a lower edge of the insert of independent claims 1, 3, 28 and 30 because Brettell discloses an upper and lower edge of a contact part 9 in Fig. 2. Lastly, the Office Action alleges that Brettell discloses the claimed upper edge and lower edge as the upper and lower edges of Brettell's contact part 9.

However, as claimed, the upper edge and lower edge correspond to the upper and lower edges of the insert. The contact part 9, which allegedly includes the upper and lower edge, extends into a radial hole provided in the shell 1, but the contact part 9 is entirely separate and distinct from the shell 1, and thus cannot include the upper edge and lower edge of the shell 1.

Further, even if the contact part 9 is considered to be a part of the shell 1, Brettell nonetheless fails to disclose the above-quoted feature. Specifically, as claimed, the upper and lower edge of the insert "define the length of the sheet-shaped insert." Consequently, the upper and lower edges must be the uppermost edge and lowermost edge of the insert in order to define the length of the insert. On the contrary, the alleged upper and lower edges of Brettell are located at a central portion of the shell 1, and thus cannot correspond to the claimed upper and lower edges. Further, Brettell clearly shows in Fig. 1 that the uppermost edge of the shell 1 is positioned either even with or above, but not below, the mouth end portion. Therefore, Brettell fails to disclose the above-quoted feature of independent claim 1 and the similar features of independent claims 3, 28 and 30.

Thus, withdrawal of the rejection is respectfully requested.

IV. 35 U.S.C. §103(a) Rejections

The Office Action rejects claim 2 under 35 U.S.C. §103(a) as being unpatentable over Brettell and rejects claims 3-6, 12-14, 23, 27, 29 and 31-33 under 35 U.S.C. §103(a) as being unpatentable over Brettell in view of Japanese Patent Publication No. 06-246777 to Suzuki et al. ("Suzuki"). These rejections are respectfully traversed.

As agreed to during the January 7, 2010 personal interview, Brettell cannot be combined with Suzuki, and therefore, the combination of references fail to render obvious the claims.

The Office Action alleges that one of ordinary skill in the art would recognize the advantage of applying the pull-out mold unit in Suzuki to Brettell. However, Brettell is directed to a method of manufacturing a pipe coupler to connect two pipe lengths, as discussed in col. 1, lines 12-16. The pipe coupler requires the use of a core that comprises two halves. Brettell discloses an extraction in which the two core halves, and not the mold, are pulled apart in opposite direction from a completed electro-fusion fitting. However, it would not be advantageous to apply the pull-out mold of Suzuki to the pipe coupler of Brettell because Brettell's core halves must be pulled apart for extraction. A pull-out mold would not aid Brettell's extraction, and, in fact, would hinder the extraction because the core halves would not be pulled apart in opposite directions. Thus, one having ordinary skill in the art would not have found it obvious to combine Brettell with Suzuki.

For at least these reasons, claims 4-6, 12-14, 23, 27, 29 and 31 are patentable over the applied references. Claims 2, 4-6, 12-14, 23, 27, 29 and 31-33 are also patentable at least for their various dependencies from the independent claims, as well as for the additional features they recite.

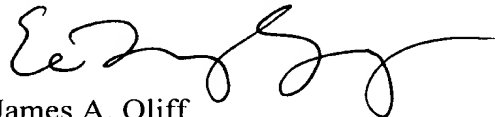
Thus, Applicants respectfully request withdrawal of the rejections.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: January 12, 2010

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